

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,)
)
)
)
v.) 1:09CR72-1
)
)
RONALD WAYNE BRYANT,)
)
)
Defendant.)

RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

This matter comes before the Court on three Letter Motions [Doc. #42, #43, #44] filed by Defendant Ronald Wayne Bryant. The first two Motions assert that a federal detainer was improperly filed or maintained against Defendant, who was in the custody of the State of North Carolina at the time of their filing. Those Motions ask that the detainer be removed. Pursuant to this Court's July 17, 2012 Order, the United States has responded to those Motions and represents that the detainer was removed at the request of the United States Marshals Service around the time Defendant filed his Motions, but that Defendant apparently was not aware of this fact. More than nine months have passed since the filing of the Response, and Defendant has not disputed the Government's representations. Therefore, the Court accepts them and will recommend that Defendant's first two Motions be denied for being moot.

Petitioner's third Motion, which was filed on the same day as the other two, seeks certain documents from the Court under the Freedom of Information Act (FOIA) and the Privacy Act.

Defendant's purpose in seeking the documents is not entirely clear, but it appears that it is likely related to his attempts to have the detainer removed. If so, this Motion is also now moot.¹

IT IS THEREFORE RECOMMENDED that Petitioner's Letter Motions [Doc. #42, #43, #44] related to his efforts to have the detainer against him removed be DENIED for being moot.

This, the 25th day of April, 2013.

/s/ Joi Elizabeth Peake
United States Magistrate Judge

¹ Moreover, the Court notes that the federal courts are not "agencies" under FOIA and, therefore, are not subject to FOIA's disclosure requirements. 5 U.S.C. § 551(1)(B); United States v. Miramonte, 995 F.2d 56, 59 n.3 (5th Cir. 1993); United States v. Alcorn, 6 F. App'x 315 (6th Cir. 2001) (unpublished). The Privacy Act adopts that same definition of "agency." 5 U.S.C. § 552a(a)(1).